

DEPARTMENT OF THE NAVY  
Office of the Secretary  
Washington, D.C. 20350

SECNAVINST 7200.16  
Op-09BL  
14 March 1979

SECNAV INSTRUCTION 7200.16

From: Secretary of the Navy  
To: All Ships and Stations

Subj: Garnishment of pay of naval military and  
civilian personnel for collection of child-  
support and alimony

Ref: (a) 42 U.S.C. § 659 [Social Security Act,  
§ 459 added by Pub. L. No. 93-647,  
part B, § 101(a), 88 Stat. 2357, as  
amended by Tax Reform and Simplifica-  
tion Act of 1977, Pub. L. No. 95-30,  
title V, § 502, 91 Stat. 157]  
(b) BUPERSMAN 6210120  
(c) MARCORPSMAN  
(d) FPM, Chaps. 550, 591, 592, 630, 735,  
and 831  
(e) DODPM, Pt. 7, Ch. 7, Sec. B  
(f) NAVCOMPTMAN, Vol. 3, Ch. 3

**1. Purpose.** This directive prescribes responsibilities and procedures applicable in the Department of the Navy when processing and honoring "legal process" brought for the enforcement of legal obligations to provide "child support" or make "alimony" payments under reference (a).

**2. Scope.** The provisions of this instruction shall apply to "legal process" affecting any Federal pay administered by the Department of the Navy and due or payable to all categories of naval military or civilian personnel, including personnel of Navy or Marine Corps nonappropriated-fund activities. This instruction is not applicable to "legal process" affecting entitlements administered by other agencies, such as civilian employees' retirement benefits administered by the Civil Service Commission or compensation administered by the Veterans Administration. Policies applicable to obligations of Department of the Navy personnel to provide support for dependents or others in the absence of "legal process" for the enforcement of the same are governed by references (b) through (d).

**3. Policy.** It is the policy of the Department of the Navy to respond to "legal process" addressed to naval

officials promptly in accordance with references (a), (e), and (f).

**4. Service of Process**

a. Service of "legal process" affecting the pay of Department of the Navy personnel shall be made on the following designated officials in the manner and in the circumstances specified:

**(1) Navy members.** Process affecting the military pay of active-duty, Reserve, Fleet Reserve, or retired Navy members, wherever serving or residing, may be served personally or by registered or certified mail, return receipt requested, on—

Director  
Navy Family Allowance Activity  
A. J. Celebrezze Federal Bldg., Rm 967  
Cleveland, OH 44199

**(2) Marine Corps members.** Process affecting the military pay of active-duty, Reserve, Fleet Marine Corps Reserve, or retired Marine Corps members, wherever serving or residing, may be served personally or by registered or certified mail, return receipt requested, on—

Commanding Officer  
Marine Corps Finance Center (AA)  
Kansas City, MO 64197

**(3) Civilian employees.** Process affecting the pay of active civilian employees of the Department of the Navy:

(a) If currently employed at Navy or Marine Corps activities (including nonappropriated-fund instrumentalities) or installations situated within the territorial jurisdiction of the issuing court, such process may be served personally, or by registered or certified mail, return receipt requested, on the commanding officer or head of such activity or installation, or principal assistant specifically designated in writing by such official.

(b) In other cases involving civilian employees, such process may be served personally or

**SECNAVINST 7200.16**

**14 March 1979**

by registered or certified mail, return receipt requested--

1 If pertaining to civil service personnel of the Navy or Marine Corps, such process may be served on the--

Director of Civilian Personnel Law  
Office of General Counsel  
Navy Department  
Washington, DC 20390

2 If pertaining to non-civil service civilian personnel of Navy Exchanges or related non-appropriated-fund instrumentalities administered by the Navy Resale System Office, such process may be served on the--

Commanding Officer  
Navy Resale System Office  
Attention: Industrial Relations Officer  
29th Street & Third Avenue  
Brooklyn, NY 11232

3 If pertaining to non-civil service civilian personnel of Navy clubs, messes, or recreational facilities (nonappropriated funds), such process may be served on the--

Chief of Naval Personnel  
Director, Recreational Services Division  
(Pers/NMPC-72)  
Washington, DC 20370

4 If pertaining to non-civil service civilian personnel of other nonappropriated-fund instrumentalities which fall outside the purview of the Chief of Naval Personnel or the Commanding Officer, Navy Resale System Office, such as locally established morale, welfare, and other social and hobby clubs, such process may be served on the commanding officer of the activity concerned.

5 If pertaining to non-civil service civilian personnel of any Marine Corps nonappropriated-fund instrumentalities, such process may be served on the commanding officer of the activity concerned.

**b.** The Department of the Navy officials designated in subparagraph 4a. are authorized to accept service of process within the purview of reference (a). Where service of process is offered to an official not authorized to accept it under subparagraph 4a, the person offering such service shall be referred to the appropriate official designated in subparagraph 4a.

**5. Responsibilities**

**a. Designated officials.** Within their respective areas of cognizance as set forth in paragraph 4, the designated officials are responsible for the following functions with regard to "legal process" within the purview of reference (a):

(1) Sending such notifications and directions to the member concerned and his commanding officer as may be required;

(2) Obtaining or providing an appropriate review by qualified legal counsel;

(3) Taking or directing actions, temporary and final, as are necessary to comply with references (a), (e), and (f) and the court's order in the case; and

(4) Apprising the cognizant United States Attorney of the Department of the Navy's disposition, as required, and, in coordination with the Judge Advocate General, securing liaison with the Department of Justice or United States Attorneys in instances of non-compliance with process or other circumstances requiring such action.

**b. Command responsibility**

(1) The commanding officer of the member or employee concerned shall, upon receipt of notification from the appropriate designated official, insure that the member or employee has received written notification of the pendency of the action and that the member or employee is afforded counseling concerning his obligations in the matter and legal assistance, if applicable, in dealing with the legal action to affect his Federal pay. The commanding officer shall comply with the directions of the designated official in responding to the "legal process."

(2) For the purposes of this instruction, the Director, Navy Family Allowance Activity, Cleveland, Ohio, will function as the commanding officer with regard to retired Navy military personnel and members of the Fleet Reserve.

**c. Legal services.** The Judge Advocate General is responsible for the following functions pertaining to "legal process" within the purview of reference (a):

(1) Providing overall technical direction and guidance, as required, for all Department of the Navy military and civilian attorneys engaged in reviewing such process or advising on its disposition;

(2) Insuring, as Director, Naval Legal Service, the availability of attorneys in Naval Legal Service Offices who are qualified to advise and assist the

designated officials concerning the disposition of "legal process;" and

(3) Where required, effectuate or insure effective liaison with the Department of Justice or United States Attorneys.

**6. Administrative Procedures.** The designated officials specified in paragraph 4, shall, in consultation with the Judge Advocate General and the Commander, Navy Accounting and Finance Center or the Commandant of the Marine Corps (FD), as appropriate, establish procedures for effectively executing their assigned responsibilities. Implementing procedures shall conform with references (a), (e), and (f) and the Federal Personnel Manual.

W. GRAHAM CLAYTOR, JR.

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